

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: May 12, 2011

Agenda Item: Re-establish closure of the Clark Fork and Blackfoot Rivers near former the Milltown Dam site.

Division: Parks

Action Needed:

☐ Approval of Tentative Rule ☒ Approval of Final Rule/Action

☐ Endorse Course of Action ☐ None - information only

Time Needed on Agenda for this Presentation: 15 min

◆-----◆
Background Construction on the cleanup and restoration of the Clark Fork and Blackfoot Rivers associated with the Milltown Dam Superfund site began in the summer of 2006. At that time, FWP received the Commission's authorization to close short stretches of the two rivers until June 1, 2011. The purpose was to increase public safety from potentially rapid changes in water levels, exposed and unstable debris and sediments, construction activities, and to protect cleanup and restoration efforts. FWP proposes to extend the closure until such time as conditions warrant re-opening of the affected rivers and rescinding the closure.

Cleanup and restoration work has proceeded in timely fashion, but much remains to be done. The Natural Resource Damage Program's restoration work along the lower Blackfoot River and former powerhouse area is scheduled for the summer of 2011. Although work along the Clark Fork is largely complete, areas planted with native vegetation in 2010 are still in a fragile stage of growth and the extension of the closure would help in their establishment. State Park development (trails and recreational amenities) is likely to begin later in 2011 along the Blackfoot and the Confluence Area, and will continue into the summer of 2012. Other work scheduled includes DNRC's removal of old bridge piers from the Blackfoot River just upstream from the confluence, DEQ's removal of the Stimson cooling pond and restoration of the channel, and the EPA and Army Corps of Engineers bank stabilization work on the I-90 bridges in the summer of 2011. Furthermore, the I-90 bridge piers have been identified as a significant hazard to river recreationists and an appropriate risk management plan/strategy is under discussion within the agency. The closure area is highlighted on the attached map.

Public Involvement Process & Results The department conducted a 14-day comment period and received 10 comments. Three supported extending the closure, one offered qualified support, and six opposed it. Those in support recognized the ongoing resource restoration needs and public safety concerns associated with the bridge piers. One comment agreed with the need for the closure at this time but requested that FWP work towards a 2012 opening date. Comments opposed to extending the closure generally expressed skepticism that there were significant safety concerns. Another comment expressed general frustration with the duration of the Milltown Superfund cleanup and opposed continuation of the closure.

Alternatives and Analysis **No Action Alternative:** Do not extend the closure of the rivers and allow public access to construction sites, potentially dangerous waters and the newly revegetated flood plain.

Agency Recommendation & Rationale FWP recommends that the Commission adopt the proposed river closures as final biennial rules. The closures would protect public safety, construction work and newly planted areas and would be in effect for up to two years or less as conditions warrant re-opening of the affected rivers.

Proposed Motion "I move that the Commission adopt the department's proposed final rules for closure of the Clark Fork River and Blackfoot River in the specified sections of river near the confluence for public safety and restoration protection reasons."